



ORIGINAL
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JAN 24 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

January 23, 2006

Michael Stead
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Re: Notice under 625 ILCS 5/18c-7401 by Union Pacific Railroad Company ("UPRR"), to the Illinois Commerce Commission ("ICC"), for the Closure of Wheeler Street Crossing, Public Grade Crossing D.O.T. 176991L at Milepost 51.46, on the Harvard Subdivision in the City of Woodstock, McHenry County, Illinois; Docket No. T05-0063

Dear Mr. Stead:

Union Pacific Railroad Company, (hereinafter "UPRR"), is a Delaware corporation engaged in the business of providing common carrier freight service by railroad, owning and operating railroad tracks and equipment in the state of Illinois, and is authorized to do business in the state of Illinois, with offices at 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606. The City of Woodstock, Illinois, (hereinafter "City"), is a Municipal corporation in the state of Illinois, located in the County of McHenry, with offices at 121 West Calhoun Street, Woodstock, Illinois 60098, and is vested with responsibility for Wheeler Street within the corporate limits of the City of Woodstock, Illinois. UPRR operates multiple lines of track through the City in what is commonly referred to as the Harvard Subdivision, including, but not limited to, Milepost 51.46 the location of the Wheeler Street at-grade crossing. UPRR's trackage through the City crosses Wheeler Street at grade. This grade crossing is shown on the map marked Exhibit "A" and is hereby made a part hereof, and is designated by the United States Department of Transportation and by railroad milepost location as follows:

DOCKETED

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

JAN 24 2006

Street
Wheeler Street

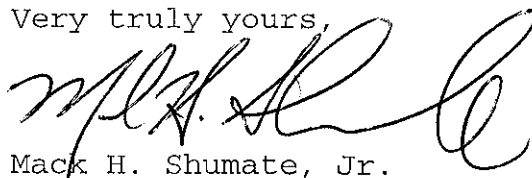
U.S. DOT#
176991L

Railroad Milepost
51.46

The above railroad milepost designates a milepost location on UPRR's Harvard Subdivision. The DOT-AAR Crossing Inventory for this crossing is attached hereto as Exhibit "B". By City Ordinance Number 02-0-53, adopted on the 20th day of August 2002, by the Woodstock City Council, that portion of Wheeler Street between First Street and the UPRR's tracks at the subject crossing was vacated. A copy of the Plat of Vacation identifying the closure and the related City Ordinance Number 02-0-53 are attached hereto as Exhibits "C" and "D", respectively. That portion of Wheeler Street that formerly crossed the trackage of the UPRR to form the Wheeler Street Crossing has now been removed in accordance with the Ordinance authorizing the above-referenced vacation. In that Wheeler Street in the area of the crossing has been vacated and removed and the necessity for the grade crossing having been eliminated, it is no longer necessary to maintain the existence of the Wheeler Street Crossing nor the railroad warning signal system at the Wheeler Street Crossing. It is provided at 625 ILCS 5/18E-7401 that a public hearing by the ICC to abolish a crossing shall not be required when the public highway authority in interest vacates the highway. The statute further provides that, "(I)n such instance the rail carrier, following notification to the ICC and the highway authority, shall remove any grade crossing warning devices and the grade crossing surface."

Therefore, UPRR hereby notifies the ICC and the City that in light of the vacation of Wheeler Street, the railroad crossing and grade crossing warning devices at DOT 176991L at M.P. 51.46 shall be removed by UPRR in accordance with 625 ILCS 5/18c-7401.

Very truly yours,



Mack H. Shumate, Jr.
Senior General Attorney

Enclosures



DOT-AAR CROSSING INVENTORY

DOT Reporting

http://home.www.uprr.com/emp/engineering/apps/efms/dot_reports/dot_full_sheet_forms.cfm
Page Received From Server On: January 23, 2006 10:16 AM CT

Mon, January 23, 2006 10:16:32 AM

DOT No: 176991L (Active)

PART I : LOCATION AND CLASSIFICATION OF CROSSING

RAILROAD :	Union Pacific	DIVISION :	COMMUTER OPERATIONS
SUBDIVISION :	HARVARD SUB	STATE :	IL
COUNTY :	MCHENRY	MAP REF. No. :	
CITY :	WOODSTOCK	NEAREST :	No
HIGHWAY TYPE :		STREET NAME :	WHEELER ST.
RR I.D No. :	8310	NEAREST STATION :	WOODSTOCK
MILEPOST :	51.46	BRANCH/LINE NAME :	HARVARD SUB
CROSSING AND GRADE TYPE :	Public/At Grade		

PART II : DETAILED INFORMATION FOR PUBLIC GRADE CROSSING

TYPICAL Nbr OF DAILY TRAIN MOVEMENTS :
DAY THRU 12 DAY SWITCH 2
NIGHT THRU 11 NIGHT SWITCH 2

SPEED OF TRAIN AT CROSSING : MAX Timetable SPEED 50

TYPICAL SPEED RANGE FROM 20 TO 50

TYPE AND Nbr OF TRACKS : 2 MAIN 1 OTHER
DOES ANOTHER RR OPERATE A SEPARATE TRACK : No
DOES ANOTHER RR OPERATE OVER YOUR TRACK : No

TYPE OF WARNING DEVICE(S) AT CROSSING :

REF XBUCK(S)	0	NON-REF BUCK(S)	0
STD HWY STOP SIGN(S)	0	YIELD SIGNS	
OTHER SIGN(S)	2	OTHER SIGN(S)	0
RED & WHITE GATES	2	OTHER COLOR GATES(S)	0
CANT(S) OVER TRAFFIC LANES	0	NOT OVER TRAFFIC LANES	0
MAST MOUNTED FL LIGHTS	0	OTHER FL LIGHTS	0
HWY TRAFFIC SIGNALS	0	WIGWAGS 0	BELLS 1

SPECIAL WARNING DEVICES NOT TRAIN ACTIVATED :

COMMERCIAL POWER : Yes

CROSSING SIGNAL PROVIDE SPEED SELECTION : No

IS TRACK EQUIPPED WITH WAYSIDE SIGNALS : Yes

PART III : PHYSICAL DATA

TYPE OF DEVELOPMENT :	Industrial	HIGHWAY PAVED :	Yes
SMALLEST ANGLE :	60-90 Degrees	PAVEMENT MARKINGS :	None
NO. OF TRAFFIC LANES CROSSING :	2	ADV. WARNING SIGNS :	Yes
NEARBY INTERSECTING HIGHWAY :	No		
TRACK RUNS DOWN STREET :	No		
TRUCK PULLOUT LANES :	No		
CROSSING SURFACE :	TRK TYPE : NO 1	XING SURFACE : Asphalt	LENGTH : 76
	TRK TYPE : NO 2	XING SURFACE : Asphalt	LENGTH : 76

PART IV : HIGHWAY DEPT. INFORMATION

HIGHWAY SYSTEM :	Non Federal - Aid	EST AADT :	109
FUNCTIONAL CLASS :	Urban Local		
ON STATE HIGHWAY SYSTEM :	No	EST % OF TRUCKS :	1

Burnberg Inc 5208

EXHIBIT

B

PLAT OF VACATION

OF
THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 44 NORTH, RANGE 7 EAST, OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENNY COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:



PARCEL 1

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 44 NORTH, RANGE 7 EAST, OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENNY COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION WHICH IS 1052.40 FEET EAST FROM THE NORTHWEST CORNER THEREOF, SAID POINT ALSO BEING ON THE EAST LINE OF WHEELER STREET;
THENCE SOUTH 00 DEGREES 12 MINUTES 20 SECONDS EAST ALONG SAID EAST LINE, 355.08 FEET;
THENCE SOUTH 01 DEGREES 06 MINUTES 24 SECONDS EAST ALONG SAID EAST LINE, 55.27 FEET TO A LINE 50.00 FEET NORTHEASTERLY OF AND PARALLEL WITH THE CENTERLINE OF THE MOST NORTHEASTERLY MAIN TRACK OF CHICAGO AND NORTHWESTERN RAILWAY COMPANY AS NOW LOCATED AND ESTABLISHED;
THENCE NORTHEASTERLY, 69.06 FEET, ALONG SAID LINE, BEING A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 5828.80 FEET, AND BEARING NORTH 37 DEGREES 19 MINUTES 11 SECONDS WEST TO THE WEST LINE OF SAID WHEELER STREET;
THENCE NORTH 60 DEGREES 12 MINUTES 20 SECONDS WEST, ALONG SAID WEST LINE, 355.24 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST FIRST STREET, IN THE ASSESSOR'S PLAT OF SAID SECTION 5, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 3 OF PLATS, PAGE 17-18 ON DECEMBER 13, 1862, IN MCHENNY COUNTY, ILLINOIS;
THENCE NORTH 89 DEGREES 23 MINUTES 01 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 40.50 FEET TO SAID POINT OF BEGINNING, IN MCHENNY COUNTY, ILLINOIS, ALSO KNOWN AS WHEELER STREET.

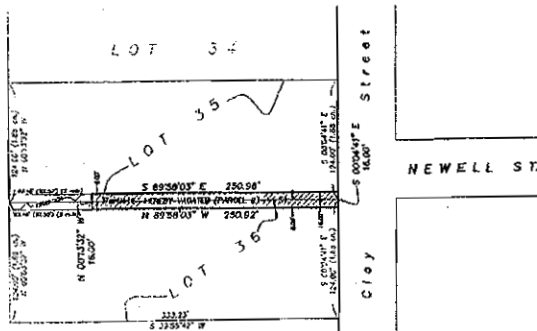
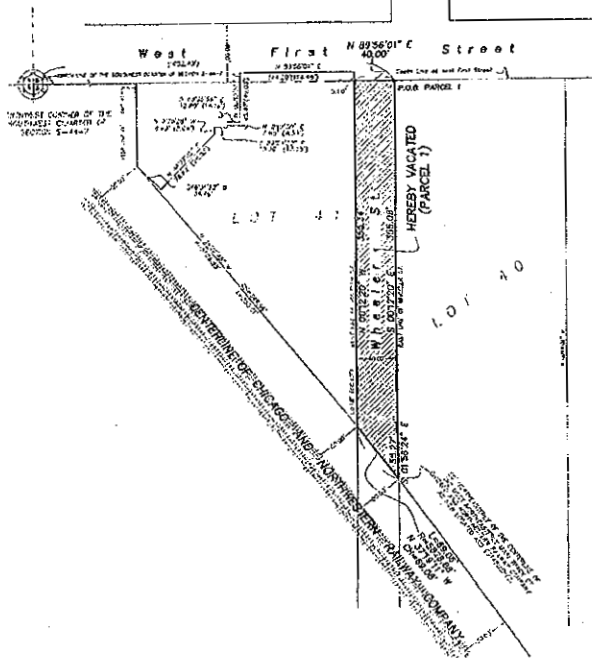
PARCEL 2

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 44 NORTH, RANGE 7 EAST, OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENNY COUNTY, ILLINOIS, DESCRIBED AS THE SOUTH 800 FEET OF LOT 35 EXCEPT THE WEST 82.50 FEET (5 ACRES), AND THE NORTH 800 FEET OF LOT 36 EXCEPT THE WEST 82.50 FEET (5 ACRES) IN THE ASSESSOR'S PLAT OF SAID SECTION 5, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 3 OF PLATS, PAGE 17-18 ON DECEMBER 13, 1862 IN MCHENNY COUNTY, ILLINOIS, ALSO KNOWN AS BARRETT STREET.

BASES OF BEARINGS

HORIZONTAL CONTROL: 1849 BD (1897) ALCOHOL STATE PLANS, EAST ZONE BEARINGS
(PROJECT GROUND COORDINATES)
COMBINED FACTORS: 0.9999999999999999

(10000) DENOTES RECORD INFORMATION
(1000) DENOTES REVISION INFORMATION



STATE OF _____

COUNTY OF _____

I, _____, do hereby certify that the above is a true and correct copy of the original plat of vacation as recorded in the records of the County Clerk of McHenry County, Illinois, and that the same is a true and correct copy of the original plat of vacation as recorded in the records of the County Clerk of McHenry County, Illinois.

Dated at _____ day of _____ in the year _____.

Notary Public _____

My Commission Expires _____

STATE OF _____

COUNTY OF _____

I, _____, do hereby certify that the above is a true and correct copy of the original plat of vacation as recorded in the records of the County Clerk of McHenry County, Illinois, and that the same is a true and correct copy of the original plat of vacation as recorded in the records of the County Clerk of McHenry County, Illinois.

Dated at _____ day of _____ in the year _____.

Notary Public _____

My Commission Expires _____

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MCHENNY)
This instrument filed for record in the Recorder's Office of McHenry County, Illinois on this _____ day of _____, 20____ at _____ o'clock _____ of _____ and recorded in _____
Recorder's Office _____
County Recorder

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MCHENNY)
I, _____ Mayor of the City of Woodstock,
do hereby certify that on this _____ day of _____, 20____ this
Plat of Vacation was duly approved by the City Council of the City of Woodstock,
Illinois.
Mayor _____ City Clerk _____

STATE OF ILLINOIS)
COUNTY OF MCHENNY)
I, _____, County Clerk of McHenry County, Illinois, do hereby
certify that I have received the above plat of vacation and that the same is a true and correct copy of the original plat of vacation as recorded in the records of the County Clerk of McHenry County, Illinois.

Dated this _____ day of _____, 2007

Notary Public _____
My Commission Expires _____



NEED & NEPHER ASSOCIATES, P.C.
ENGINEERS & SURVEYORS
209 Macmillan Rd., Suite 100
Champaign, IL 61817
630-940-9000 FAX 630-940-9151

EXHIBIT

2

0/10 ④

MCHEMRY COUNTY RECORDER
PHYLLIS K. WALTERS

2002 FEB 09 02:54 E

09/18/2002 02:16PM

PAGES 4

RECORDING FEE 28.00
COUNTY STAMP FEE 0.00
STATE STAMP FEE 0.00

ORDINANCE NUMBER 02-O- 53

**AN ORDINANCE VACATING PART OF WHEELER STREET, SOUTH OF
FIRST STREET, AND BARTLETT STREET, WEST OF CLAY STREET**

WHEREAS, the City of Woodstock, McHenry County, Illinois, is the owner of land abutting a portion of Wheeler Street located south of First Street, and land abutting that part of Bartlett Street located west of Clay Street; and

WHEREAS, it is the intent of the City to vacate (a) that part of the Wheeler Street right-of-way located south of First Street and north of the Union Pacific Railroad property, and (b) that part of the Bartlett Street right-of-way located west of Clay Street, both rights-of-way more particularly described and depicted on the attached "plat of vacation", said plat made a part of this Ordinance by reference, in order to facilitate the redevelopment of the area commonly known as the "Woodstock Die Cast site"; and

WHEREAS, said rights-of-way are not needed by the City and the public interest will be served by vacating said rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL of the City of Woodstock, McHenry County, Illinois, as follows:

Exhibit A
Section One. That the attached plat of vacation, providing for the vacation of a portion of the Wheeler Street right-of-way located south of First Street and north of the Union Pacific Railroad property and the vacation of that part of Bartlett Street located west of Clay Street, is hereby approved.

Section Two. That in accordance with State law, the vacated rights-of-way shall be automatically conveyed in equal portions to the owners of abutting land.

Section Three. All maps, journals, and other records of the City be changed accordingly.



02-052-9073


28. City of Woodstock

Section Four. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section Five. This ordinance shall be known as Ordinance Number 02-O-53 and shall be in full force and effect upon its passage, approval, publication in pamphlet form (which publication is hereby authorized), and recording in the Office of the McHenry County Recorder as provided by law.

APPROVED and PASSED by the City Council of the City of Woodstock, McHenry County, Illinois, this 20th day of August, 2002.

Ayes: O'Rourke, Prindiville, Sager, Thompson and Mayor Cornue
Nays: None
Abstentions: None
Absentees: None

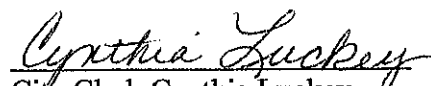

Mayor Alan D. Cornue

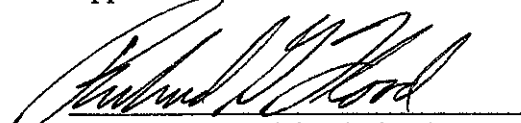
Passed: August 20, 2002


Approved: August 20, 2002

Attest:

Approved as to Form:


City Clerk Cynthia Luckey


City Attorney Richard Flood


Prepared by the City of Woodstock, 121 West Calhoun St., Woodstock, IL 60098.

02-052-9074

CERTIFICATION

I, Cynthia Luckey, do hereby certify by my signature affixed below that I am the duly appointed and qualified City Clerk of the City of Woodstock, County of McHenry, Illinois, and that as such clerk, I am the keeper of the ordinances, records, corporate seal and proceedings of the Mayor and City Council of said City of Woodstock.

I do hereby further certify that at a meeting of the Mayor and City Council of the City of Woodstock, McHenry County, Illinois, held on the 20th of August, 2002, the foregoing ordinance, Ordinance No. 02-O-53 and titled "**An Ordinance Vacating Part of Wheeler Street, South of First Street, and Bartlett Street, West of Clay Street**" was duly passed by the City Council of the City of Woodstock, a true and correct copy of which is attached hereto. The passage of said Ordinance was on a roll call vote, on which the vote was as follows:

Ayes: O'Rourke, Prindiville, Sager, Thompson and Mayor Cornue

Nays: None

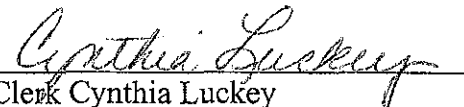
Absentees: None

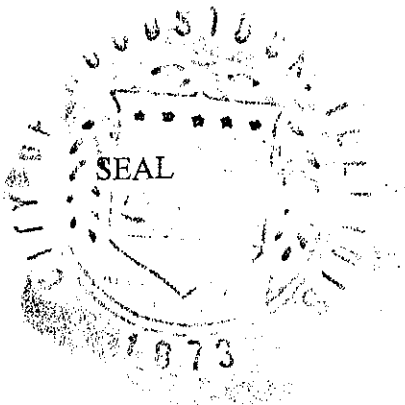
Abstentions: None

I do further certify that said Ordinance was duly published on the 22nd day of August, 2002 in pamphlet form.

IN WITNESS WHEREOF, I have set my hand and caused to be affixed the seal of the City of Woodstock, McHenry County, Illinois on the 22nd day of August, 2002.

POOR QUALITY
FOR IMAGING


Clerk Cynthia Luckey
City of Woodstock
By Deputy Clerk Cindy K. Smiley



02-052-9075

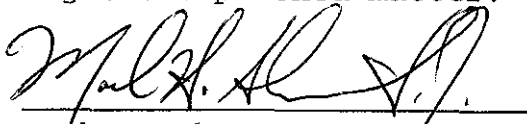
STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

UNION PACIFIC RAILROAD COMPANY,)	
)	
Petitioner,)	
)	
v.)	Docket No. T05-
)	
CITY OF WOODSTOCK, McHenry County,)	
Illinois,)	
Respondent.)	

NOTICE OF FILING

TO: Mr. David Lazarides
Director of Processing
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

PLEASE TAKE NOTICE that I have filed this 23rd day of
January, 2006, Union Pacific Railroad Company's Notice to the
Illinois Commerce Commission regarding the captioned matter.


Mack H. Shumate, Jr.
One of Its Attorneys

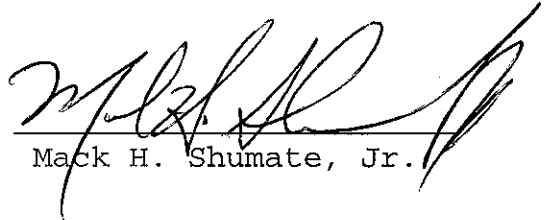
Mack H. Shumate, Jr.
Attorney for Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, IL 60606
312/777-2055
312/777-2065 (Fax)

PROOF OF SERVICE

The undersigned attorney hereby certifies that a copy of the foregoing instrument was served by depositing same in the United States Post Office Mailbox at 101 North Wacker Drive, Chicago, Illinois 60606 on January 23, 2006, in an envelope with postage fully prepaid to and in the following manner addressed:

Derik Morefield
Assistant City Manager
City of Woodstock
Department of Business Development
121 West Calhoun Street
Woodstock, IL 60098

Mr. Michael Stead
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701



Mack H. Shumate, Jr.